IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6017 of 2007(K)

CRIME NO. 361/07 OF MATTANNUR POLICE STATION

PETITIONERS/ACCUSED 1-5

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1. KAPPADAN BALAKRISHNAN,
   S/O.KRISHNAN NAMBIAR,AMRITHALAYAM,URUVACHAL P.O.,
   KANNUR DISTRICT.

2. M.P.BAIJU,S/O. BALAKRISHNAN, RESIDING
   DO..DO...

3. M.P.LIJU,RESIDING AT DO...DO...

4. M.P.RIJU,RESIDING
   DO..DO...

5. N.BIJU,S/O. KUNHIKANNAN,
   PREETHALAYAM,URUVACHAL P.O.
   KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE
   MATTANNUR POLICE STATION.

2. STATE REP.BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6017 of 2007

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Dated this the 4th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 5. They face allegations of having committed offences punishable, inter alia, under Sections 452 and 324 I.P.C. The petitioners and the victims are neighbours. They are related to each other also, it is submitted. There is a boundary dispute between them. A counter case is also registered by them. The investigation is in progress. The petitioners apprehend imminent arrest.

2. Learned counsel for the petitioners prays, learned Prosecutor does not oppose the said prayer and I am satisfied that this is a fit case where directions under Section 438 Cr.P.C. can be issued in favour of the petitioners. Appropriate conditions to facilitate a proper, fair and expeditious investigation can, of course, be imposed.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 10.10.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 11.10.07 and 12.10.2007. During this period, the petitioners can be questioned in custody and necessary steps for a proper investigation taken by the Investigating Officer. Thereafter they shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 10.10.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 10.10.2007 as directed in clause (1) above, they shall be released on bail on

their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 10.10.2007.

(R. BASANT)
Judge

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